

Appl. No. 10/512,105
Amdt. dated April 22, 2008
Reply to Office action of Sept. 21, 2007

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figs. 2-3. This sheet, which includes Figs. 2-3, replaces the original sheet including Figs. 2-3. The Applicant has discovered a minor inadvertent error in each of Figs. 2 and 3. Specifically, reference numeral 3, which refers, as indicated in page 6, line 23 of the present specification, to the tubular part as shown in each of these figures (and which results, as shown in Fig. 1, once the blank is properly folded over into its working position), was inadvertently omitted.

Attachment: Replacement Sheet
 Annotated Sheet Showing Changes

REMARKS

In view of both the amendments presented above and the following discussion, the Applicant submits that none of the claims now pending in the application is either anticipated under the provisions of 35 USC § 102 or obvious under the provisions of 35 USC § 103. Furthermore, the Applicant also submits that all of these claims now satisfy the requirements of 35 USC § 112. Thus, the Applicant believes that all of these claims are now in allowable form.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, the Examiner should telephone Mr. Peter L. Michaelson, Esq. at (732) 542-7800 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Specification and abstract amendments

Various amendments have been made to the specification to correct minor inadvertent grammatical, punctuation and formal errors; and to insert various missing section headings. The specification has also been amended at page 19, line 29 to insert the common and well-known commercial name, "polychloroprene", of the trademarked term "NEOPRENE". None of these amendments constitutes new matter.

A substitute specification is submitted herewith. The substitute specification introduces no new matter into the application. Moreover, in accordance with the

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provisions of M.P.E.P. Section 608.01(q), the Applicant has also enclosed a "marked-up" copy of the specification. The substitute specification contains the same changes that are shown in the marked-up copy of the specification.

The Applicant has submitted a substitute abstract herewith which, among other minor corrections, does not contain any reference numerals.

Status of claims

To simplify amending the claims and hence expedite their examination, the Applicant, rather than re-writing the claims with, in some cases, extensive amendments, has simply canceled all the prior pending claims 1-24 and substituted new claims 25-40 there for.

The new claims have been drafted to define the invention with increased precision over the claims, as originally filed, and in accordance with the dictates of proper US claim practice, and eliminate the rejection under 35 USC § 112 noted by the Examiner.

Drawings

Upon review of their drawings, the Applicant has discovered a minor inadvertent error in each of FIGs. 2 and 3. Specifically, reference numeral 3, which refers, as indicated in page 6, line 23 of the present specification, to the tubular part as shown in each of these figures (and which results, as shown in FIG. 1, once the blank is

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properly folded over into its working position), was inadvertently omitted.

To remedy these errors, the Applicant has now enclosed a marked-up drawing sheet for FIGs. 2 and 3 which shows the proposed corrections to these figures. Further, to expedite prosecution, the Applicant has also submitted a substitute drawing sheet which incorporates these corrections.

Rejections

A. Rejection under 35 USC § 112

The Examiner rejected prior claim 10 under the second paragraph of 35 USC § 112 as being indefinite. Specifically, the Examiner observed that that claim recited the trademarked term "NEOPRENE" and noted that a trademark indicates source of a good rather than the good itself. Inasmuch as this claim has now been canceled, this rejection is moot.

Nevertheless, none of the new claims recites the trademarked term "NEOPRENE". Moreover, new claim 30, which is similar to prior claim 10, recites the common well-known commercial name "polychloroprene" instead of that trademarked term.

As such, the Applicant submits that all the new claims are sufficiently definite under the provisions of 35 USC § 112 and hence patentable thereunder.

Accordingly, this rejection should be withdrawn.

B. Rejection under 35 USC § 102

The Examiner has rejected prior claims 1-10, 13, 15, and 20-24 under the provisions of 35 USC § 102(e) as being anticipated by the teachings in the '367 Dion et al patent (United States patent 6,419,367 issued to T. J. Dion et al on July 16, 2002). Inasmuch as all these claims have been canceled, this rejection is also moot. Nevertheless, and to expedite prosecution, the Applicant will discuss this rejection in the context of the new claims and principally with respect to new independent claim 25 (the other new independent claims 36 and 40 having, among other recitations, highly similar recitations to those in claim 25). In that context, this rejection is also respectfully traversed.

Specifically, the Examiner takes the position that the invention as recited in prior claim 1 was identically disclosed in the '367 Dion et al patent. As the Examiner will soon appreciate, his view is incorrect when viewed with respect to new claim 25.

The '367 Dion patent discloses a glare shield and particularly one for use with a video camera or other devices that have a relatively small, cantilevered LCD-type monitor. As recognized by the patentee in col. 1, line 15 et seq of that patent, whenever a device with such a screen is used outdoors or in certain bright indoor environments, strong ambient lighting can create glare on the display

screen which, in turn, frustrates viewing of any imagery or other information then being displayed thereon.

With this problem in mind and as described in col. 1, line 45 et seq and col. 2, line 55 et seq -- the latter with reference to primarily FIGs. 1-3, the patentee teaches open box-like attachment 10 which has a tubular configuration with opposing right and left side walls 16 and 18, respectively, top wall 12, bottom wall 14, and closed back wall 32. Entry opening 34 exists in the rear portion in side wall 16. As expressly stated in col. 2, line 66 et seq, the top wall, bottom wall, right side wall and left side wall are "all constructed of the same sheet material with the preferable material being a rubberized fabric material" with examples being neoprene, nylon plus neoprene and a nylon rubberized waterproof fabric, with, as noted in col. 3, lines 29-31, the back wall being of the same material as the other walls.

To use the attachment, a user slides display 20 into entry slot 34 in right side wall 16 such that the entire display screen 38 is situated within attachment 10 and either side edge 40 extends, presumably flush or slightly recessed, to button access opening (slot) 50 in left side wall 18 for the embodiment in FIGs. 1-3, or abuttingly against left side wall 18 in the embodiment shown in FIGs. 4-5. The patentee notes in col. 2, lines 57-61, that although attachment 10 is shown as a box-like cylinder, the cylinder could be round, ellipsoidal or have any other tubular configuration. Moreover, as discussed in col. 3, lines 4-10, fabricating the attachment from a rubberized material provides a degree of "stretchability", i.e.,

elasticity, to allow the attachment to accommodate video monitors (displays) of slightly different sizes as well as to provide a snug fit between the attachment and a frame of the monitor then being used. Further, as noted in col. 3, lines 38-45, the entry opening is sized to be slightly smaller than the height and depth (cross-sectional size) of the video monitor such that the material around the entry opening will stretch somewhat while the display is being inserted through it -- the primary purpose of which being to preclude entry of unwanted light through the entry opening. See, e.g., col. 3, lines 56-61.

While the attachment taught by the '367 Dion et al patent is relatively simple, it appears to be rather limited in the size of the displays which any one such attachment can itself accommodate. While the patentee indeed teaches that the entire attachment can be made of a flexible material, the material used is selected to have an elasticity such that it can stretch to facilitate attachment to "slightly different sizes of video monitors 20" and also to provide a "snug fit" between the attachment itself and a frame of the video monitor. Clearly, by these specific teachings, the patentee recognized that the flexible material cannot be too elastic else the attachment, formed from that material, would not have sufficient rigidity and structural integrity for its intended use. Thus, the attachment can only accommodate, as the patentee expressly states, video monitors of "slightly different sizes".

The present Applicant recognizes that small video monitors, such as for video cameras, extend over a range of physical sizes. Unfortunately, not all such cameras, even

with the same or similar screen size (e.g., as measured in diagonal inches), use monitors that have housings (frames) with the same approximate cross-sectional thickness. Even where the screen size is similar, if not nearly identical, amongst different cameras, the physical thickness (depth) of the housings of their monitors may exhibit considerable variation, with some being considerably thicker or thinner than others. What this means in practice is simply that if a user, who purchased a video camera, were to employ a shield as taught by the '367 Dion et al patent with his(her) existing camera, then should that person purchase another video camera, such as a replacement with the same or similar display screen size, that person may well also need to obtain a replacement shield for use with the new camera. Why? For the simple reason that the thickness of the monitor housing on the new camera may be sufficiently different (thicker or thinner) from that of the existing camera, such that the material from which the attachment is made -- though having some degree of elasticity -- may not be able to stretch or contract sufficiently to properly accommodate that thickness in order to securely hold the monitor as well as still adequately seal around the display screen to block the entrance of unwanted ambient light.

More than likely, that person would probably not realize the thickness difference until (s)he was ready to use the new camera and, in preparing to do so, attempts to position the old shield onto the monitor of the new camera. Only then would that user discover the size mismatch and the ensuing inability to use the old shield. Consequently, not only would that person need to replace the shield with a properly sized one and incur the time and cost to do so, but

also and far more importantly that person may well lose an expected opportunity to shot desired video, in strong ambient lighting conditions, and thus incur significant aggravation and inconvenience as a result.

Recognizing this deficiency, the Applicant teaches a glare shield, also particularly suited for use with foldable video camera monitors, that has substantially more adjustability and hence can accommodate a much wider variation in monitor housing thickness than can the attachment taught by the '367 Dion et al patent.

In particular and as discussed in page 2, line 4 et seq and page 4, line 3 through page 7, line 19 of the present specification -- the latter with reference to accompanying FIGs. 1-3, the present inventive glare shield, rather than having a purely cylindrical shape (whether it be rectilinear, round, elliptical or "other tube-like" -- all as expressly taught by the '367 Dion et al patent) with a flat back wall (also as expressly taught by back wall 32 in the '367 Dion et al patent), replaces that flat back wall with a section having a semi-circular shape extending behind the video monitor. This shape provides semi-circular recess 6 through which a video monitor frame can be slid. This section is formed by a user through bending, in flexible blank 3, second (rear) part 9, which has second and third walls 11 and 12 extending outward therefrom, over and towards first (front) part 8 such that the front edge of the first part and the rear edge of the second part are opposing each other and in approximate vertical alignment, i.e., co-planar (see FIG 1). The second and third walls, when appropriately positioned, then become corresponding side

walls of the glare shield. Once the pieces of the flexible blank are properly positioned, the second and third walls, then extending downward from the second part, are secured in position by the user by mating a pair(s) of opposing integral tabs (lips) 16 on each of walls 11 and 12 with an appropriate opposing pair(s) of corresponding dovetail recesses 17 located on both sides of first part 8. As a result, a tubular configuration results but with a semi-circular, rather than flat, rear section, i.e., thus forming flexible wall part 4. Edges (clamping walls) 7 are also formed in both of the side walls. By virtue of the length of the second and third walls relative to the length of the entire blank, once the opposing ends of the blank are bent towards each other and the side walls are placed in proper position, semi-circular wall part (segment) 4 is formed in a middle part of the blank, thus, in turn, forming, in conjunction with the side walls, recess 6. The housing of a foldable video monitor can then be slid through recess 6 until vertical, outer side portions of its front frame abut against edges 7. Semi-circular flexible wall part 4 in the glare shield readily permits the shield to accommodate video monitors having housings of varying thicknesses -- far more so than the rectilinear entrance slot taught by the '367 Dion et al patent. Furthermore, by virtue of the physical configuration of the shield and its construction from a suitably flexible material, once the monitor housing is inserted into recess 6, the monitor will slightly deform the flexible clamping walls formed in the side walls. This deformation will, in turn, and, possibly in conjunction with an elastic force exerted by the material in the semi-circular wall part, exert a clamping force onto

that housing which will act to securely retain the housing in position.

The '367 Dion et al patent is devoid of any disclosure, teaching or even suggestion related to changing its back wall 32 from a flat configuration to a semi-circular shape, let alone formed through bending two opposing ends of a suitably dimensioned, flexible blank towards and ultimately in opposing vertical alignment with each other.

New independent claim 25 contains suitable recitations directed to these and other distinguishing aspects of the present invention. In particular, this claim recites as follows, with those distinguishing recitations, pertinent to the above discussion, shown in a bolded typeface:

"A glare hood for assembly on a display comprising:

a tubular part having first and second side walls, an upper wall and a lower wall and having a rectangular cross-section, the tubular part also having a front end side and a rear end side;

a flexible clamping wall fabricated from a flexible material and being bent in a configuration of a substantially circular segment and extending from the upper wall to the lower wall of the tubular part when the glare hood is not mounted on the display;

the rear end side of the tubular part and the flexible clamping wall defining a recess; and

the flexible clamping wall being deformed when the display is slid into the recess so that the glare hold is mounted on the display and, by virtue of the deformation, the glare hood applies a clamping force to the display." [emphasis added]

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Each of new independent claims 36 and 40 contains, inter alia, highly similar limitations to those recited in claim 25.

Hence, the Applicant submits that, in the absence of their claimed invention being identically disclosed in the '367 Dion et al patent, none of the presently pending independent claims is anticipated by the teachings of that patent. Consequently, all of these claims are patentable under the provisions of 35 USC § 102.

Each of claims 26-35 and 37-39 depends, either directly or indirectly, from independent claims 25 or 36, respectively, and recites further distinguishing aspects of the present invention over those recited in its corresponding independent claim. No claims depend from new independent claim 40. As such, the Applicant submits that each of these dependent claims is also not anticipated by the teachings of the '367 Dion et al patent for the same reason set forth above with respect to independent claim 25. Consequently, all of these dependent claims are also patentable under the provisions of 35 USC § 102.

Accordingly, this rejection should also now be withdrawn.

C. Rejections under 35 USC § 103

1. Claims 11, 12 and 14

The Examiner has rejected prior dependent claims 11, 12 and 14 under the provisions of 35 USC § 103 as

being obvious over the teachings in the '367 Dion et al patent. Inasmuch as all these claims have been canceled, this rejection is also moot. Nevertheless, to expedite prosecution, the Applicant will discuss this rejection in the context of the new claims and principally with respect to new independent claim 25. In that context, this rejection is also respectfully traversed.

As to these prior dependent claims, the Examiner concedes that '367 Dion et al patent fails to teach the specific claimed recitations of: (a) in claim 11, that the flexible material comprises silicon rubber; (b) in claim 12, that the flexible material is black; and (c) in claim 14, that surfaces of the glare hood facing the display are rough. Nevertheless, the Examiner views that it would have been obvious to one of ordinary skill in the art to modify the glare shield taught by the '367 Dion et al patent, and as recited in claim 1, to include all of these features.

These features are now recited in new dependent claims 31, 32 and 34 which correspond to prior, now canceled, claims 11, 12 and 14. All these new dependent claims depend, either directly or indirectly, from new independent claim 25.

As discussed in the preceding section above, the teachings in the '367 Dion et al patent stop well short of suggesting the inventive structure recited in present claim 25. There are simply no teachings or even just suggestions in that patent which would lead anyone of skill in the art, when faced with the Applicant's problem of how to adapt the glare shield taught by that patent to

accommodate a wider variation in the thickness of video monitor housings, to appropriately modify the attachment taught by that patent so as to yield the inventive solution now provided by the Applicant. That patent is simply oblivious to this problem, let alone any solution to it including that of the Applicant.

Consequently, the Applicant submits that claim 25 is not rendered obvious by those teachings.

Inasmuch as each of claims 31, 32 and 34 recites further distinguishing aspects of the present invention over those recited in claim 25, then each of these dependent claims is also not rendered obvious by the teachings in the '367 Dion et al patent for the same reasons applicable to claim 25. Hence, all of these dependent claims are patentable under the provisions of 35 USC § 103.

Accordingly, this rejection should also now be withdrawn.

2. Claims 16-19

Lastly, the Examiner has rejected prior dependent claims 16-19 under the provisions of 35 USC § 103 as being obvious over the teachings in the '367 Dion et al patent taken in view of those in the '546 Kordiak (United States patent 6,302,546 issued to J. A. Kordiak on October 16, 2001). Inasmuch as all these dependent claims have also been canceled, this rejection is also moot. Nevertheless, to expedite prosecution, the Applicant will also discuss this rejection in the context of the new claims and

principally with respect to new independent claims 25 and 36. In that context, this rejection is also respectfully traversed.

As to these particular prior dependent claims, the Examiner concedes that '367 Dion et al patent fails to teach the specific claimed recitations of: (a) in claim 16, that a glare hood can be fabricated from a blank or a template for a collapsed two-dimensional or flat configuration; (b) in claim 17, that the blank can have folding lines for folding the blank into a glare hood; (c) in claim 18, that the blank can be provided with attachment parts for retaining the glare hood fabricated from the blank in a position of use; and (d) in claim 19, that a two-dimensional blank can have disconnecting, cutting and folding elements. The Examiner states that each of these features is either taught by the '546 Kordiak patent or extremely well-known in the art. Thus, the Examiner views that it would have been obvious to one of ordinary skill in the art to modify the glare shield of taught by the '367 Dion et al patent, and as recited in claim 1, to include all of these features.

As discussed above, the teachings in the '367 Dion et al patent stop well short of suggesting the inventive structure recited in present claim 25. In that regard, there are simply no teachings or even just suggestions in that patent that would lead anyone of skill in the art, when faced with the Applicant's problem of how to adapt the glare shield taught by that patent to accommodate a wider variation in the thickness of video monitor housings, to appropriately modify the attachment taught by that patent so as to yield the inventive solution now provided by the

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Applicant. That patent is simply oblivious to this problem, let alone any solution to it including the Applicant's inventive solution.

Moreover, none of the specific features pointed to by the Examiner as being disclosed by the '546 Kordiak patent discloses, teaches or even suggests any of the distinguishing teachings that form the present invention. Therefore, any hypothetical combination of the teachings in the '367 Dion et al patent with the additional teachings delineated by the Examiner, either from the '547 Kordiak patent or knowledge in the art in general, will neither diminish nor even remediate in any way the problem inherent in the '367 Dion et al patent which the present Applicant advantageously overcomes. Thus, that person of skill when faced with that problem and these additional teachings will simply not be led any closer to the Applicant's inventive solution than were that person to just consider the teachings in the '367 Dion et al patent taken alone.

Consequently, the Applicant submits that claim 25 is not rendered obvious by the teachings of the '367 Dion et al patent and the additional teachings now cited by the Examiner, regardless of whether all those teachings are taken in any combination, including that here posed by the Examiner.

Inasmuch as independent claim 36 recites the blank but also contains recitations highly similar to those in claim 25, the Applicant submits that claim 36 is also not rendered obvious over the applied teachings for the same reasons applicable to claim 25. Hence, both of these

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independent claims are patentable under the provisions of 35 USC § 103.

Each of the remaining claims directed to the blank, i.e., dependent claims 37-39, depends from claim 36 and recites further distinguishing aspects of the present invention over those recited in claim 36. As such, each of these dependent claims is also not rendered obvious by the applied teachings for the same reasons applicable to claims 25 and 36. Consequently, all of these dependent claims are also patentable under the provisions of 35 USC § 103.

Accordingly, this rejection too should also be withdrawn.

Conclusion

Thus, the Applicant submits that none of the claims, presently in the application, is either anticipated under the provisions of 35 USC § 102 or obvious under the provisions of 35 USC § 103. Furthermore, the Applicant also submits that all of these claims now fully satisfy the requirements of 35 USC § 112.

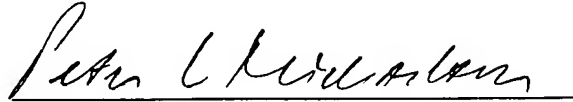
Consequently, the Applicant believes that all these claims are presently in condition for allowance.

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Accordingly, both reconsideration of this application and
its swift passage to issue are earnestly solicited.

Respectfully submitted,

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